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Application No.: 10/041,946  
Remarks/Argument dated September 24, 2007  
Reply to Office Action of May 2, 2007  
Docket No.: C064

**Remarks/Arguments**

Claims 1-35 are in the application. Claims 1, 6, 11, 14, 18, 22, 30, and 33 are in independent form.

**Examiner Interview**

Applicants thank the Examiner for the courtesies rendered during the September 11, 2007 telephonic interview. Claims 1 and 6 were discussed in relation to U.S. Pat. No. 6,317,745 to Thomas et al. ("Thomas") and U.S. Pat. No. 7,082,412 to Treider et al. ("Treider"). Applicants stated that Thomas et al. does not actually provide any money for a transaction. Thomas, as a trusted third party, assists in the transfer of funds from the buyer to the seller by securely maintaining the bank routing and account information of the seller so that buyer can pay the seller without knowing the seller's private bank information. Thomas also includes a bill presentment scheme in which the third party presents bills from the seller to the buyer. The bills are paid, however, directly from the buyer to the seller.

**Claim Rejections under 35 USC § 102**

Claims 6, 10, 11, 12, 18, 22, 26, 27-29, 30, 31, 33 and 34 stand rejected under 35 USC 102(e) as anticipated by U.S. Patent No. 6,317,745 to Thomas et al. ("Thomas").

Applicant reiterates arguments from the February 8, 2007 Amendment. In his response to applicant's arguments, the Examiner states that Thomas discloses the claimed invention because the trusted third party can present bills to the buyer. Thomas's bill presentment system is described in the section starting at col. 21, line 63. While the trusted third party presents the bills, the bills are presented with the merchant's banking information, and the bill is paid directly from the account of the buyer to the account of the merchant. "If the consumer is willing to pay

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the bill, it would do so by flagging the bill for payment using the interface supplied by its bank....The payment would pass through the ACH network and be delivered to the biller's receiving bank. The receiving bank would credit the account of the biller, and pass the X12 remittance to the company." Thus, the bill is presented by the trusted third party, but is paid directly from the buyer's account to the account of the biller, that is, the merchant.

Thus, with regard to claim 1, Thomas does not teach: "the payors charging utility or other billing accounts serviced by third parties." The payors in Thomas order merchandise from a merchant and the account is serviced by the merchant; the trusted third party (TTP) merely assists in providing information for the funds transfer and presenting the bills between the merchant and the buyer; the TTP does not handle any money. Similarly, Thomas does not teach "proceeds of the transactions being initially provided to the merchants by one or more participating funds owned and managed separately from the third parties and unaffiliated with those third parties." Proceeds of the transaction are transferred from the buyer's bank account to the seller's bank account when the buyer decides to pay his bill, without proceeds being initially provided by one or more participating funds.

The Examiner notes that a credit card company could be the fund that initially provides money to the merchant. Thomas, however, does not mention credit card payments and Thomas does not, therefore, anticipate the claim. Moreover, the purpose of Thomas is to provide a way to transfer funds directly from the buyer's account to the merchant's account without providing the merchant's or buyer's banking information directly to the other party. An object of Thomas is to provide "an electronic funds transfer method and system in which the biller's routing number and account number can be uniquely identified by the electronic home banking system based upon

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consumer supplied biller name and address information without the need for the consumer's bank to have access to the biller's bank account number and in which payment can be made electronically to the identified account." Col. 4, lines 5-13. The whole basis of Thomas is that a credit card is not being used, and that the funds are transferred directly from the buyer's account to the merchant's account.

The Examiner states that buyer can use a credit card and then the credit card company can be the claimed source of liquidity and the credit card company can present its bills through the system of Thomas. Applicants submit that this scenario is taught by Thomas, and therefore Thomas does not anticipate the claims. As described previously, Thomas does not contemplate a credit card payment, because Thomas teaches a method of paying directly from the buyer to the merchant. If, however, a purchase is charged to a credit card, the claim limitations are still not met. Claim 1 states: "charging utility or other billing accounts serviced by third parties in order to complete the transactions with the merchants, proceeds of the transactions being initially provided to the merchants by one or more participating funds owned and managed separately from the third parties and unaffiliated with those third parties." Thus, claim 1 includes charging a third party billing account that is owned and managed separately from the fund that provides the proceeds to the merchant. In a credit card company, the credit card company provides the proceeds to the merchant and bills the buyer, and therefore does not satisfy the claim language of separate entities.

Similarly, claim 6 includes "billing the payor by a third party biller, the third party biller being an entity other than the liquidity source" and "providing by the third party biller funds corresponding to the transaction amount to the liquidity source, thereby providing liquidity to the

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merchant from the liquidity source and the liquidity source being repaid by payor funds collected by the third party biller." Thomas does not teach a third party biller that is an entity other than the liquidity source and does not teach a liquidity source for the merchant and the liquidity source being repaid by payor funds collected by the third party biller.

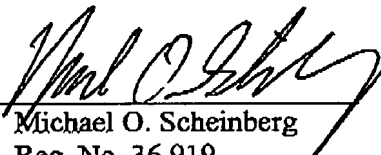
The remaining independent claims are directed to a similar invention and are patentable for reasons described above and in the February 8, 2007 amendment.

Applicant submits that all claims in the application are now in condition for allowance, and Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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